

Effective on 12/08/2004.
Fees pursuant to the Consolidated Appropriations Act, 2005 (H.R. 4818).

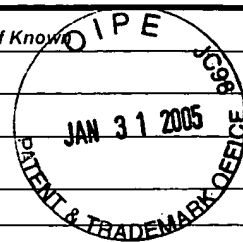
FEE TRANSMITTAL for FY 2005

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130

Complete if Known

Application Number	10/828,252
Filing Date	April 21, 2004
First Named Inventor	Daniel M. Schwartz
Examiner Name	TBD
Art Unit	2614
Attorney Docket No.	15832.0018



METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ None ☐ Other (please identify) : _____

☒ Deposit Account Deposit Account Number: 19-5127 Deposit Account Name: Swidler Berlin LLP

For the above-identified deposit account, the Director is hereby authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☐ Charge fee(s) indicated below, except for the filing fee

☒ Charge any additional fee(s) or underpayments of fee(s) ☒ Credit any overpayments

Under 37 CFR 1.16 and 1.17

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

FEE CALCULATION

1. BASIC FILING, SEARCH, AND EXAMINATION FEES

Application Type	FILING FEES		SEARCH FEES		EXAMINATION FEES		Fees Paid (\$)
	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	Fee (\$)	Small Entity Fee (\$)	
Utility	300	150	500	250	200	100	_____
Design	200	100	100	50	130	65	_____
Plant	200	100	300	150	160	80	_____
Reissue	300	150	500	250	600	300	_____
Provisional	200	100	0	0	0	0	_____

2. EXCESS CLAIM FEES

Fee Description		Small Entity	
Fee Description	Fee (\$)	Fee (\$)	Fee (\$)
Each claim over 20 (including Reissues)	50	25	
Each independent claim over 30 (including Reissues)	200	100	
Multiple dependent claims	360	180	
Total Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ -20 or HP= _____	x _____	= _____	
HP = highest number of total claims paid for, if greater than 20.			
Indep. Claims	Extra Claims	Fee (\$)	Fee Paid (\$)
_____ - 3 or HP= _____	x _____	= _____	
HP = highest number of independent claims paid for, if greater than 3.			

3. APPLICATION SIZE FEE

If the specification and drawings exceed 100 sheets of paper (excluding electronically filed sequence or computer listings under 37 CFR 1.52(e)), the application size fee due is \$250 (\$125 for small entity) for each additional 50 sheets or fraction thereof. See 35 U.S.C. 41(a)(1)(G) and 37 CFR 1.16(s).

Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof	Fee (\$)	Fee Paid (\$)
_____ - 100 = _____	/ 50 = _____	(round up to a whole number) x _____	= _____	

4. OTHER FEE(S)

Non-English Specification, \$130 fee (no small entity discount)

Other (e.g., late filing surcharge) : Petition to Make Special Under M.P.E.P. §708.02

Fees Paid (\$)

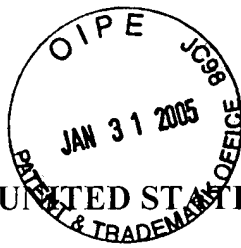
\$130

SUBMITTED BY

Signature		Registration No. (Attorney/Agent)	40,161	Telephone	(202) 424-7500
Name (Print/Type)	Michael A. Schwartz	Date	January 31, 2005		

This collection of information is required by 37 CFR 1.136. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 30 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing this form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: :
Daniel SCHWARTZ :
 :
 :
 :
Serial No. 10/828,252 : Art Unit: 2614
 :
Filed: April 21, 2004 : Examiner: TBA
 :
For: METHOD OF PRODUCING AND :
DELIVERING AN ELECTRONIC :
MAGAZINE IN FULL-SCREEN :
FORMAT :
 :

Atty. Docket: 15832.0018

PETITION TO MAKE SPECIAL UNDER M.P.E.P. § 708.02

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

02/02/2005 MBEYENE1 00000007 195127 10828252

01 FC:1464 130.00 DA

Sir:

Applicant hereby petitions the Director of Patents and Trademarks to make this application special under the special examining procedure for accelerated examination recited in M.P.E.P. § 708.02. In accordance with M.P.E.P. § 708.02, Applicant authorizes the Director to charge \$ 130.00 to Deposit Account No. 19-5127, Order No. 15832.0018 to cover the fee for this Petition as set forth in 37 C.F.R. § 1.17 (i). No additional fees are believed to be necessary. In the event that additional fees are required in connection with the filing of this Petition, please charge the fees to Deposit Account No. 19-5127, Order No. 15832.0018.

All claims presented herein for examination are directed to a single invention. However,

if it is determined that restriction is required, Applicant agrees to make an election without traverse in accordance with established telephone restriction practices upon notification of the requirement for restriction.

Also in accordance with M.P.E.P. § 708.02, Applicant affirms that a pre-examination search has been conducted to identify the existence of prior art related to the subject matter of the present invention. The classes and subclasses searched include 715/525 and additional keyword searching was performed.

The most pertinent references uncovered during the aforementioned search are described in detail herein below. A copy of each reference is enclosed and listed on PTO FORM 1449.

DETAILED REMARKS

Applicant submits that the present patent application discloses and claims a method for producing and distributing a digital magazine, comprising the steps of electronically laying out a plurality of pages such that each page fully fits a display screen; electronically inserting in each page of the digital magazine graphics for a navigation bar, wherein the graphics for the navigation bar shows a plurality of functions; combining the plurality of pages to form a single document; programming the navigation bar to be operational, such that each of the plurality of functions shown thereon may be activated upon selection with an electronic pointing device; storing the document with the operational navigation bar in an electronic storage device as the digital magazine; and electronically distributing the digital magazine to a plurality of subscribers.

U.S. Patent No. 5,819,032 entitled "ELECTRONIC MAGAZINE WHICH IS DISTRIBUTED ELECTRONICALLY FROM A PUBLISHER TO MULTIPLE SUBSCRIBERS," issued to de Vries et al, discloses an electronic magazine that is distributed electronically over a network (e.g., Internet) from a publisher to multiple subscribers. In an initial timeline navigation screen depicted on the subscriber's computer display, articles are graphically represented in a graphical user interface as article boxes overlaid on a background. To submit a commentary on an article, the subscriber locates a file containing a previously drafted comment and drags a file icon representing the comment file to a submission target on the magazine's graphical user interface. Although several features of a magazine graphical user interface are disclosed, de Vries does not disclose the claimed method for producing and distributing a digital magazine, such as electronically laying out a plurality of pages such that each page fully fits a display screen, electronically inserting in each page of the digital magazine graphics for a navigation bar, etc.

U.S. Patent No. 6,018,749 entitled "SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR GENERATING DOCUMENTS USING PAGINATION INFORMATION," issued to Rivette et al., discloses generating a new document from a source text document and a source image document. The new document is generated by accessing the source text document and the source image document, paginating the source text document with the source image document to produce pagination information, and generating the new document using the pagination information. Rivette does not disclose the claimed method for producing and distributing a digital magazine, such as electronically laying out a plurality of pages such that each page fully fits a

display screen, electronically inserting in each page of the digital magazine graphics for a navigation bar, etc.

U.S. Patent No. 6,611,862 entitled "USER STATION SOFTWARE THAT CONTROLS TRANSPORT AND PRESENTATION OF CONTENT FROM A REMOTE SOURCE," issued to Reisman, discloses a method for operating a user station that is configured for communications with a multiplicity of independently-operated data sources via a non-proprietary network includes steps for creating a send data object that includes user demographics, and automatically sending the send data object to a selected one of the data sources upon establishing the communication link, without any triggering user action. Corresponding software and user stations are also described. Reisman does not disclose the claimed method for producing and distributing a digital magazine, such as electronically laying out a plurality of pages such that each page fully fits a display screen, electronically inserting in each page of the digital magazine graphics for a navigation bar, etc.

U.S. Patent No. 6,658,464 entitled "USER STATION SOFTWARE THAT CONTROLS TRANSPORT, STORAGE, AND PRESENTATION OF CONTENT FROM A REMOTE SOURCE," issued to Reisman discloses a method for operating a user station configured for communications with a multiplicity of independently-operated data sources via a non-proprietary network includes steps of receiving a first data object from one of the data sources, and automatically pre-fetching a plurality of additional data objects of arbitrary type referenced by the first data object from respective other ones of the independently-operated data sources identified by

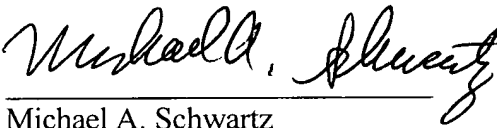
information embedded in the first data object. Corresponding software is also described. Reisman does not disclose the claimed method for producing and distributing a digital magazine, such as electronically laying out a plurality of pages such that each page fully fits a display screen, electronically inserting in each page of the digital magazine graphics for a navigation bar, etc.

CONCLUSION

In view of the foregoing, Applicant respectfully submits that the requirements of M.P.E.P § 708.02 have been met. In addition, the pending claims are all allowable over the references described above when considered either individually or in any reasonable combination. Accordingly, Applicant requests that this Petition to Make Special be granted and proceed for expedited prosecution on the merits and allowance.

Respectfully submitted,

Dated: January 31, 2005


By: Michael A. Schwartz
Reg. No. 40,161
Swidler Berlin LLP
3000 K Street, N.W., Suite 300
Washington, D.C. 20007
(202) 424-7500